The Minutes

August 12, 2002

C040010 THE PEOPLE v. MUNOZ (Not for Publication)

The judgment is modified by imposing a \$50 laboratory fee under Health and Safety Code section 11372.5, subdivision (a), a \$50 penalty assessment under Penal Code section 1464, subdivision (a), and a \$35 penalty assessment under Government Code section 76000. The trial court shall prepare an amended abstract of judgment showing the modifications and shall forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.

NICHOLSON, J.

We concur: Blease, Acting P.J.

Robie, J.

C039807 MACCA CORPORATION v. DIRECTOR OF THE STATE DEPARTMENT OF HEALTH SERVICES, etc. (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We concur: Sims, Acting P.J.

Nicholson, J.

C040144 In re CHUCK ARLAND McFADDEN (Not for Publication)

To the extent defendant's petition sought a writ of habeas corpus, the appeal is dismissed. To the extent the petition sought a writ of error coram nobis, the judgment is affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.

Davis, J.

August 13, 2002

C033761 THE PEOPLE v. KERNS (Not for Publication)

The judgment is affirmed.

KOLKEY, J.

We concur: Nicholson, Acting P.J.

Morrison, J.

C037459 THE PEOPLE v. FRANKLIN, JR. (Not for Publication)

The judgment is modified to reflect a restitution fine of \$200 imposed and suspended pursuant to section 1202.45. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting the aforementioned modification of the judgment and shall forward a certified copy of the same to the Department of Corrections.

SIMS, Acting P.J.

We concur: Nicholson, J.

Robie, J.

The Minutes

August 13, 2002, continued

C038008 THE PEOPLE v. GRANADO (Not for Publication)

The judgment of conviction is affirmed.

BLEASE, Acting P.J.

We concur: Nicholson, J.

Hull, J.

C038655 THE PEOPLE v. PORTER (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Callahan, J.

Kolkey, J.

C032494 NEC BUSINESS COMMUNICATION SYSTEMS (WEST), INC. et al. v.

DEPARTMENT OF GENERAL SERVICES et al.

GTE CALIFORNIA INCORPORATED v. DEPARTMENT OF GENERAL

SERVICES and PACIFIC BELL et al.

(Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

I concur: Nicholson, J.

I concur in the judgment and opinion of the majority except for part II...

Hull, J.

C037885 PHILLIPS v. PHILLIPS et al. (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Sims, Acting P.J.

Morrison, J.

C038846 NUNES v. CITY OF FOSTER CITY and NIGHTINGALE

C039520 NUNES V. CITY OF FOSTER CITY (Not for Publication)

The summary judgment and the order taxing Foster City's costs are reversed. Appellant Nunes is awarded her costs on appeal. (Cal. Rules of Court, rule 26 (a).) Defendant Nightingale's appeal is dismissed.

BLEASE, Acting P.J.

We concur: Davis, J.

Kolkey, J.

The Minutes

August 13, 2002, continued

C039318 In re P.W.; CHILDREN'S SERVICES DIVISION v. DAVID. D. (Not for Publication)

The order denying appellant's petition for modification and terminating parental rights is vacated. The matter is remanded for proceedings consistent with this opinion, including directions to the juvenile court to permit appellant's attorney to cross-examine the minor.

MORRISON, J.

We concur: Sims, Acting P.J.

Kolkey, J.

C039455 In re L. B. et al.; HUMAN SERVICES AGENCY v. CONNIE W. (Not for Publication)

The juvenile court's orders and judgment are affirmed.

SIMS, Acting P.J.

We concur: Nicholson, J.

Robie, J.

C039595 In re J.M. et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. J.T. (Not for Publication)

The order terminating parental rights is affirmed.

RAYE, J.

We concur: Sims, Acting P.J.

Morrison, J.

C038016 SCOTT VALLEY CITIZENS FOR QUALITY GROWTH et al. v. COUNTY OF SISKIYOU et al. and KIEWIT PACIFIC COMPANY and NASH et al.

BY THE COURT:

In a petition for rehearing, cross-appellants Nash assert we should modify our opinion to make clear that, on remand, they may seek attorneys fees, pursuant to Code of Civil Procedure section 1021.5, by way of motion made pursuant to Code of Civil Procedure section 1033.5. (Further statutory references are to the Code of Civil Procedure.)...The petition for rehearing and request for modification of opinion by cross-appellants Nash are denied.

Appellants' petition for rehearing and request for publication of opinion are both denied.

Sims, Acting P.J. Nicholson, J. Morrison, J.

The Minutes

August 13, 2002, continued

C038016 SCOTT VALLEY CITIZENS FOR QUALITY GROWTH et al. v. COUNTY OF

SISKIYOU et al. and KIEWIT PACIFIC COMPANY and NASH et al. (Not for Publication)

BY THE COURT:

Appellants Scott Valley Citizens for Quality Growth et al.'s petition for rehearing

and request to publish the opinion filed July 16, 2002, is denied.

SIMS, Acting P.J.

August 14, 2002

C037491 THE PEOPLE v. GRIFFIN (Not for Publication)

The judgment is affirmed.

SIMS, Acting P.J.

We concur: Morrison, J.

Callahan, J.

C039656 THE PEOPLE v. JONES (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Sims, Acting P.J.

Morrison, J.

C039720 THE PEOPLE v. PRUITT (Not for Publication)

The judgment is affirmed.

RAYE, J.

We concur: Blease, Acting P.J.

Callahan, J.

C039911 THE PEOPLE v. BURKS (Not for Publication)

The judgment is affirmed.

RAYE, Acting P.J.

We concur: Hull, J.

Robie, J.

C033847 DALEEN v. DALANEY (Not for Publication)

C034775 The judgment (order) in each case is affirmed. Respondent shall recover her

costs on appeal.

MORRISON, J.

We concur: Sims, Acting P.J.

Nicholson, J.

The Minutes

August 14, 2002, continued

C039017 MACOMBER v. CALIFORNIA ASSOCIATION OF HEALTH FACILITIES et al. (Not for Publication)

The judgment entered on the order granting summary judgment in favor of CAHF and Rapp is affirmed. The challenge to the award of attorney fees is not properly before us.

CALLAHAN, Acting P.J.

We concur: Hull, J.

Robie, J.

C039649 E. KING RANCH, INC., et al. v. RECLAMATION DISTRICT NO. 833 (Not for Publication)

The judgment is affirmed.

DAVIS. J.

We concur: Sims, Acting P.J

Morrison, J.

C040678 ABENOJAR v. SUPERIOR COURT, SAN JOAQUIN COUNTY and THE PEOPLE (Not for Publication)

Let a writ of mandate issue directing the superior court to set aside its order denying defendant's section 995 motion; to grant the People's request for further proceedings to correct the minor omission alleged by defendant as to count 18 in accord with section 995a, subdivision (b) (1); and then to reconsider defendant's section 995 motion in light of all the evidence, including that which the People may adduce in the proceedings under section 995a, subdivision (b) (1). The stay of proceedings in the trial court is dissolved.

NICHOLSON, J.

We concur: Sims, Acting P.J.

Robie, J.

August 15, 2002

C038990 THE PEOPLE v. McGUIRE (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We concur: Sims, J.

Robie, J.

C041890 LYNCH-TROTTER v. VALADEZ

BY THE COURT:

The court having examined the notice appeal and having determined that the order appealed from is nonappealable, the appeal filed August 9, 2002, is dismissed.

SIMS, Acting P.J.

The Minutes

August 16, 2002

C038832 THE PEOPLE v. MCINTOSH (Not for Publication)

The finding by the trial court that the allegation of a prior serious felony conviction was true is reversed, and the matter is remanded to the trial court for a retrial of that allegation consistent with the principles contained in this opinion. The sentence is vacated and the trial court is directed to resentence defendant. In all other respects, the judgment is affirmed.

SIMS. J.

We concur: Scotland, P.J.

Hull, J.

C038868 THE PEOPLE v. COOK (Not for Publication)

The judgment is affirmed.

NICHOLSON, J.

We concur: Scotland, P.J.

Hull, J.

C039595 In re J.M et al.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. J.T. (Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on August 13, 2002, be modified as follows...There is no change in the judgment.

FOR THE COURT:

Sims, Acting P.J.

Raye, J. Morrison, J.

C040910 In re C.S. et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL SERVICES v. K.H. (Not for Publication)

The orders terminating appellant's parental rights are affirmed.

RAYE, J.

We concur: Nicholson, Acting P.J.

Hull, J.